REMARKS

INTRODUCTION

In accordance with the foregoing, claim 1 has been amended. No new matter has been submitted.

Claims 1, 3-9, 11-16, and 18 are pending and under consideration, with claims 3-9, 11-16, and 18 having been allowed.

OBJECTION TO CLAIM 1

Claim 1 stands objected to for apparent antecedent informalities. Accordingly, independent claim 1 has been amended to correct for these informalities.

Withdrawal of this objection is respectfully requested.

REJECTION UNDER 35 USC 103

Claim 1 stands rejected under 35 USC § 103 as being obvious over Teshigahara, JP08-334951, in view of Arai, U.S. Patent No. 6,724,410. This rejection is respectfully traversed.

As seen in FIG 1 of Teshigahara, a selected developing roller, receiving the superimposed AC and DC high power developing voltage, is selected by choosing between contact 7 or 8, where developer contact 6 corresponds to the example selected developing roller.

As noted in the Amendment filed February 16, 2006, in Teshigahara, the selection of the superimposed AC and DC high power developing power from contact 7 is directly physically determinative of whether the separate DC bias voltage from contact 8 is selected for physical contact with contact 6.

Applicants have enclosed a mechanical translation Teshigahara, wherein the corresponding description of FIG. 1 of Teshigahara is explained. See paragraphs [0005]-[0006].

In Teshigahara, physical switches 6, 13, and 20 are operated such that only one developing roller is physically switched to the first bias voltage having DC and alternating voltage, e.g., contacts 7, 14, and 21, while the other remaining developing rollers are physically switched to the second bias voltage.

As detailed in Teshigahara, the switching to the first bias voltage provides both of the DC

and alternating voltage, i.e., the switching of the DC voltage is not independent of the switching of the alternating voltage for the respective developing roller.

As noted previously, independent claim 1 had previously been amended to recite:

"wherein a physical switching of the high developing voltage to the one fixed color development roller is independent of a physical selective supplying of the predetermined DC voltage to the one fixed color development roller."

Here, the switching of the high developing voltage to the <u>one fixed color development roller</u> *must be independent* of the selective supplying of the predetermined DC voltage to the same <u>one fixed color development roller.</u>

The Office Action has stated that <u>Teshigahara</u> sets forth a "predetermined DC voltage is applied to one of the fixed development rollers independent of switching because a predetermined voltage is applied at each selected voltage," citing the abstract.

However, it is respectfully submitted that this is not what is claimed in independent claim 1.

In addition, a more detailed review of the underlying disclosure of <u>Teshigahara</u> explains that the corresponding application of the DC and AC voltages are not independent.

Accordingly, the following is noted:

Regarding the use of foreign language abstracts, the court in <u>Ex parte Gavin</u> noted: "[i]n this appeal, the examiner relied upon abstracts of two published Japanese patent applications without referring to translations of the underlying applications. An abstract and the underlying document of which it is a summary are distinct documents. In a rejection, an abstract stands on its own—it does not incorporate by reference any disclosure of the underlying document. Abstracts are often not written by the author of the underlying document, and may be erroneous or misleading—in virtually all cases, they are incomplete." <u>Ex parte Gavin</u>, 62 USPQ2d 1680, 1683 (BPAI 2001).

"Generally an abstract does not provide enough information to permit an objective evaluation of the validity of what it describes. Thus, an abstract is even less reliable a basis to extrapolate the alleged teachings of the underlying document to different circumstances. Abstracts function to alert a reader to disclosures of possible interest. They are little more reliable than headlines or brief newspaper articles. Citation of an abstract without citation and reliance on the underlying scientific document itself is generally inappropriate where both the abstract and the underlying document are prior art. It is our opinion that a proper examination under 37 CFR §1.104 should be based on the underlying documents and translations, where needed. Accordingly, the preferred practice is for the examiner to cite and rely on the underlying document." <u>Id.</u> at 1684.

Accordingly, it is respectfully submitted that the Abstract of <u>Teshigahara</u> should not be

used as a reference, but rather should only be read in view of the underlying reference.

Thus, at least in view of the above, independent claim 1 has a different structure from that of Teshigahara.

Further, it is respectfully submitted that because of the difference in structures it would not have been obvious to modify Teshigahara alone or in combination with Arai. Further, it is respectfully submitted that neither Teshigahara nor Arai disclose or suggest motivation for the same.

Therefore, withdrawal of this rejection of claim 1 is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.
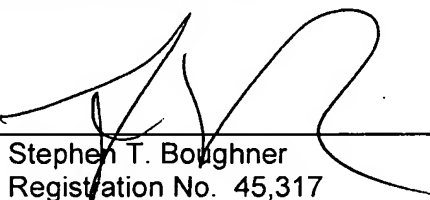
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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